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22 FILED IN THE
23 U.S. DISTRICT COURT
24 EASTERN DISTRICT OF WASHINGTON

25 DEC 20 2005

26 JAMES R. LARSEN, CLERK
27 DEPUTY
28 SPOKANE, WASHINGTON

29 Honorable Justin L. Quackenbush

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31
32 UNITED STATES DISTRICT COURT
33 FOR THE EASTERN DISTRICT OF WASHINGTON
34 AT SPOKANE

35
36 PACIFIC INSURANCE COMPANY, et
37 al.,

38 NO. 05-CV-0075 -JLQ

39 Plaintiffs,

40 STIPULATED PROTECTIVE
41 ORDER

42 v.

43 CATHOLIC BISHOP OF SPOKANE, et
44 al.,

45 Defendants.

To facilitate the production of documents and disclosure of information not
generally available to the public, Pacific Insurance Company, Continental Casualty

STIPULATED PROTECTIVE ORDER - 1

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1 Company, American Casualty Company of Reading Pennsylvania, Continental
2 Insurance Company, The Glens Falls Insurance Company (collectively "CNA"),
3 Safeco Insurance Company (General Insurance Company of America) One Beacon
4 Insurance Company (Oregon Automobile Insurance Company), Indiana Insurance
5 Company, ACE Property & Casualty Insurance Company (Aetna Insurance
6 Company), Washington Insurance Guaranty Association (The Home Insurance
7 Company), certain individual claimants, and The Catholic Diocese of Spokane
8 (jointly referred to as "the parties"), stipulate and agree to the entry of an order
9 protecting the confidentiality of such documents and restricting the use of such
10 documents and information by the non-producing party to the prosecution or
11 defense of this action, any matters in the Bankruptcy Case pending in the United
12 States Bankruptcy Court for the Eastern District of Washington under Case No.
13 04-08822-PCW-11 (the "Bankruptcy Case"), and any appeals therefrom. In view
14 of this stipulation of the parties, the court finds that good cause exists for the
15 issuance of this protective order.

36 IT IS, THEREFORE, ORDERED AS FOLLOWS:
37

- 38 1. The parties agree that certain documents produced during the course
39 of this matter ("Coverage Litigation") may be designated "Confidential—Subject
40 to Protective Order" (hereinafter "Protected Material"). The parties further agree
41 to
42 that documents so designated may be used only in this Coverage Litigation, any
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STIPULATED PROTECTIVE ORDER - 2

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1 matters in the Bankruptcy Case pending in the United States Bankruptcy Court for
2 the Eastern District of Washington under Case No. 04-08822-PCW-11 (the
3 "Bankruptcy Case"), and any appeals therefrom. Nothing in this Stipulated Order
4 shall limit how a producing party may use the Protected Material that it produces.
5

6 2. All Protected Material or any document containing Protected Material
7 shall be designated by marking the words Protected Material or Confidential on the
8 face of the material and, if produced on compact disc, on the face of the compact
9 disc which contains the confidential material.

10 3. The parties' definition of confidential documents and information as
11 set forth in Paragraph 1 above is intended to facilitate the preparation and trial of
12 this action, and the parties' treatment of such Confidential documents and
13 information in conformity with this Order is not to be construed as an admission or
14 agreement by any party that any such Confidential documents and information
15 constitute or contain any trade secret, proprietary, or other confidential information
16 in contemplation of law.

17 4. Confidential documents and information shall not be given, shown,
18 made available, discussed or otherwise communicated by the non-producing party
19 in any way to anyone other than:
20

21 (a) The parties and attorneys for the parties in this litigation and the
22 Bankruptcy Case and their usual employees;
23

(b) Persons specifically retained by attorneys for the parties in this litigation or the Bankruptcy Case to assist in the preparation of this litigation for trial (such as experts, copy vendors, and consultants);

(c) Any person whose testimony is taken or may be taken in this litigation or the Bankruptcy Case, except that such a person may only be shown Confidential documents and information during his testimony and in preparation therefor and only to the extent necessary for such preparation of testimony; and

(d) Actual or potential testifying or consulting experts;

(e) The Court, any Special Master appointed in the case, or other finders of fact in this proceeding or the Bankruptcy Case. Persons falling within the purview of subparagraphs (b), (c), and (d) shall, prior to being provided with Confidential documents and information, be furnished a copy of this Order and shall sign the same signifying his/her agreement with its provisions.

5. If any non-producing party wishes to give, show or make available such Confidential documents and information to persons other than those referenced in Paragraph 4, such party shall submit to counsel for the producing party a written statement specifically identifying the Confidential documents, or subject material thereof, and the name, title and business relationship of the persons(s) to whom disclosure is requested and the reason for such disclosure. If the producing party agrees in writing to the requested disclosure, it is permitted.

1 Should the producing party and the non-producing party be unable to resolve any
2 requested disclosure, then the party making the request for further disclosure shall
3 submit such dispute to the Court. Until the Court resolves the dispute, the party
4 requesting the further disclosure will not give, show or make available the
5 Confidential documents and information to the person(s) in dispute. All
6 confidential documents and information under this Order shall be treated as
7 confidential pursuant to the terms of this Order until contrary determination is
8 made by the Court.

9
10 6. The persons described in paragraph 4 and any person to whom
11 Confidential documents and information is disclosed shall use such Confidential
12 documents and information only for the purposes of the prosecution or defense of
13 the above-captioned litigation or issues that may arise in the Bankruptcy Case and
14 for no other purpose or publication whatsoever, whether directly or indirectly.
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17 7. If a question asked at a deposition contains Confidential Information
18 or calls for an answer concerning Confidential Information, counsel for the party
19 seeking to protect the Confidential documents and Information shall notify
20 opposing counsel on the record or within 14 days after receipt of the deposition
21 transcript that the information in such question or answer is considered
22 Confidential Information or if any of the exhibits attached to the deposition are
23 considered Confidential Information to be covered by this action. Until such time
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26 STIPULATED PROTECTIVE ORDER - 5

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1 has elapsed, the entire deposition and all attached exhibits shall be treated as
2 Confidential Information. If no such request is made, the deposition and all
3 exhibits to the deposition shall be designated as non-confidential.
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6 8. At the conclusion of this litigation (including appeals) and the
7 Bankruptcy Case, all Confidential documents and information, and copies thereof,
8 in whatever form, in the possession, custody or control of the non-producing party
9 shall be returned to the producing party or destroyed upon the request of the
10 producing party. All notes, memoranda, summaries or other documents in the
11 possession, custody or control of the non-producing party referring, describing or
12 relating to Confidential documents and information shall be destroyed upon the
13 request of the producing party.
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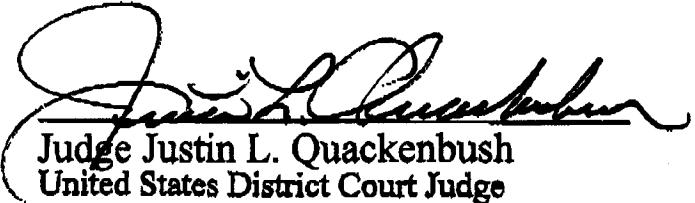
16 9. This Order shall be without prejudice to the right of any party or
17 person to bring before the Court at any time the question of whether a particular
18 item is or is not entitled to be treated as Confidential under this Order. Without
19 limiting the foregoing, the Court shall, upon proper motion and showing, release
20 from the provisions of this Order any Confidential or alleged Confidential
21 material.
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24 10. This Order shall be without prejudice to the right of any party to
25 oppose production of any document or information upon other proper grounds.
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1 11. Any third party producing documents or giving deposition testimony
2 in this action may invoke the provision of this Order by serving written notice to
3 such effect upon all parties to this action.
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6 12. If any party submits Confidential materials or information to the Court
7 as exhibits to motions or as part of any other form of submission to the Court, the
8 Confidential materials or information will be filed under seal. Any portion of any
9 motion or other submission to the Court that recites Confidential material or
10 information will be filed separately under seal.
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13 ORDERED this 20th day of December, 2005.
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17 Judge Justin L. Quackenbush
18 United States District Court Judge
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1 It is so stipulated:
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GORDON MURRAY TILDEN LLP GRIPPO & ELDEN LLC

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8 By _____
9 James R Murray, WSBA #25263
10 Attorneys for Defendant
11 Catholic Bishop of Spokane
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By _____ *# 25263
per email authority*
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REED McCLURE

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20 Individual Claimants

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STIPULATED PROTECTIVE ORDER - 9

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I HEREBY CERTIFY that on the 21st day of December, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following.

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STIPULATED PROTECTIVE ORDER - 10

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1 The following parties are not on the Court's e-mailing list and will be
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3 provided a copy of the above-document via U.S. Mail:
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